

WEEKS  
COLLECTION

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# THE ELECTION LAW

OF

NORTH CAROLINA,

AS AMENDED BY ACTS OF ASSEMBLY OF 1885, 1887, 1889  
AND 1891.

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# THE ELECTION LAW.

SECTION 2668. On the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and eighty-four, and every four years thereafter, an election shall be held in the several election precincts in each county for the following officers: First, Governor; second, Lieutenant Governor; third, Secretary of State; fourth, Auditor; fifth, Treasurer; sixth, Superintendent of Public Instruction; seventh, Attorney General. And on said Tuesday next after the first Monday in November in the year aforesaid, and every two years thereafter, an election shall be held for members of Congress in the several districts; members of the General Assembly for their respective counties and districts; a Register of Deeds, County Surveyor, Coroner and Sheriff for their respective counties; and in such counties as have one, a County Treasurer.

State, legislative and county officers.  
1876-'77, c. 275, s. 1.

SEC. 2669. On the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and eighty-six, and on said day every four years thereafter, an election shall be held in each county for the office of Clerk of the Superior Court.

Clerk of the Superior Court.  
1879, c. 152, s. 1.

SEC. 2670. On the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and eighty-four, and on said day every two years thereafter, an election shall be held in each township for the office of Constable.

Township Constable.  
1879, c. 151, s. 1.

SEC. 2671. The board of commissioners of each county shall have power to establish, alter, discontinue or create such separate places of election in their respective counties as they may deem expedient, giving thirty days' notice thereof by advertisement in some public journal, if there be one published in the county, or in lieu thereof in three

The board of commissioners of each county authorized to establish polling places.  
1871-'2, c. 185, s. 2.  
1876-'7, c. 275, s. 4.  
1879, c. 152, s. 1.

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places in such county, and at the court house thereof; but there shall be at least one polling place in every township, as nearly central as possible, and there shall be a polling place open in each ward of a city numbering over three thousand inhabitants.

Secretary of State shall furnish suitable registration books.  
1876-'7, c. 275, s. 3.

SEC. 2672. The Secretary of State shall provide for and forward to the boards of commissioners of counties, on their requisition, suitable registration books, whenever needed, for each election precinct.

Books to be provided by the commissioners in certain cases.  
1871-'2, c. 185, s. 4.  
1876-'7, c. 275, s. 4.

SEC. 2673. If the boards of county commissioners do not receive a sufficient number of registration books, as provided in the preceding section, they are directed to provide the same for their respective counties at the expense of the State.

The board of commissioners shall select registrars; candidates not eligible.  
1876-'7, c. 274, s. 5.  
1879, c. 152, s. 1.

SEC. 2674. The boards of commissioners of the several counties shall select, on or before the first Monday of September preceding each election, one or more persons for each election precinct, who shall act as registrars of voters for such precinct. Said board shall make publication of the names of the persons so elected, at the court-house door, immediately after such appointment, and shall cause a notice to be served upon said persons by the sheriff. If any registrar shall die or neglect to perform his duties, the justices of the peace for the township, or a majority of said justices, or the Clerk of the Superior Court of the county, in case said justices or a majority of them fail to meet, may appoint another in his place. And no person who is a candidate for any office shall be a registrar or judge or inspector of an election.

Duty of registrars.  
1876-'7, c. 275, s. 6.

SEC. 2675. Registrars shall be furnished with a registration book, and it shall be their duty to revise the existing registration books of their precinct or township in such manner that said books shall show an accurate list of electors previously registered in such precinct or township, and still residing therein, without requiring such electors to be registered anew; and such registrars shall also, between the hours of sunrise and sunset on each day

(Sundays excepted), for thirty days preceding the day for closing the registration books as hereinafter provided, keep open said books for the registration of any electors residing in such precinct or township, and entitled to registration, whose names have never before been registered in such precinct or township, or do not appear in the revised list. But the board of commissioners for each county may, upon giving thirty days' notice in each township, if they shall think proper, direct that there shall be an entirely new registration of voters before any election, instead of the revision of the registration lists as above provided, that said books shall be closed for registration on the second Saturday before each election, that registration shall be allowed on that day up to 12 o'clock noon.

SEC. 2676. No elector shall be entitled to register or vote in any other precinct or township than the one in which he is an actual and *bona fide* resident on the day of election, and no certificate of registration shall be given, except as hereinafter provided. No registration shall be valid unless it specifies as near as may be, the age, occupation, place of birth, and place of residence of the elector, as well as the township or county from whence the elector has removed—in the event of a removal, and the full name by which the voter is known.

Electors to vote in his own precinct.  
1871-'2, c. 185, s. 7.  
1876-'7, c. 275, s. 7.

SEC. 2677. It shall be the duty of the registrars and judges of election to attend at the polling place of their township or precinct with the registration books on the second Saturday preceding the election, from the hour of nine o'clock A. M. till the hour of five o'clock P. M., when and where the said books shall be open to the inspection of the electors of the precinct or township, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection, the registrar shall enter upon his books, opposite to the name of the person so objected to, the word "challenged," and shall appoint a time and place, on or before

Registration books open to inspection; right of challenge.  
1871-'2, c. 185, s. 8.  
1876-'7, c. 275, s. 8.



the election day, when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voter so objected to: *Provided*, that nothing in this section shall prohibit the right of any elector to challenge or object to the name of any person registered or offering to register at any time other than that above specified. If any person challenged or objected to shall be found not duly qualified, as provided in this chapter, the registrar shall erase his name from the books.

Judges of election,  
their duties.  
1871-'2, c. 185, s. 9.  
1876-'7, c. 375, s. 9.  
1879, c. 152, s. 1.

SEC. 2678. The board of commissioners for each county, on or before the first Monday of the month next preceding the month in which each election is held, shall appoint four judges or inspectors of election, two of whom shall be of a different political party, where possible, from the registrars, at each place of holding election in their respective counties. The said judges of election shall attend at the places for which they are severally appointed on the day of election, and they, together with the registrars for such precinct or township, who shall attend with the registration books, after being sworn by some justice of the peace, or other person authorized to administer oaths, to conduct the election fairly and impartially according to the constitution and laws of the State, shall open the polls and superintend the same until the close of the election. They shall keep poll-books, in which shall be entered the name of every person who shall vote, and at the close of the election the judges of election shall certify the same over their proper signatures, and deposit them with the register of deeds for safe-keeping. And said poll-books shall, in any trial for illegal or fraudulent voting, be received as evidence. The board of commissioners shall, immediately after the appointment of the judges of election as herein provided, furnish a list of names of such judges to the sheriff of their county, who shall, within ten days, serve notice of such appointment upon the said judges; and if any person appointed judge of election shall

fail to attend, the registrar of such townships shall appoint some discreet person to act as such, who shall be by him sworn before acting.

SEC. 2679. The following classes of persons shall not be allowed to register or vote in this State, to-wit: First, persons under twenty-one years of age; second, idiots and lunatics; third, persons who, upon conviction or confession in open court, shall have been adjudged guilty of felony or other crime infamous by the laws of this State, committed after first day of January, in the year of our Lord one thousand eight hundred and seventy-seven, unless they shall have been legally restored to the rights of citizenship.

Persons who are not allowed to register or vote. 1876-'7, c. 75, s. 10.

SEC. 2680. Subject to the foregoing exceptions, every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, who shall have resided in the State twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be a qualified elector in the precinct or township in which he resides; and all electors shall register and vote in the election precinct of their residence. The residence of a married man shall be where his family resides, and that of a single man where he boards and sleeps; and should any single man board in one ward or precinct and sleep in another, then his residence shall be in the ward or precinct in which he sleeps, and he shall not register or vote in any other ward or precinct. But no elector shall be allowed to register in any ward or precinct to which he shall have removed for the mere purpose of being a voter therein, nor unless his residence therein is actual and *bona fide*. And it shall be the duty of the registrar or judge of election, when requested by any bystander, to swear any person offering to register or vote, as to his residence, and to have placed in writing opposite his name the word "sworn"; and any person knowingly and fraudulently registering or voting at any other place than that of his *bona fide* residence,

Qualification of electors; residence of electors; fraudulent registration or voting punishable by fine and imprisonment. 1876-'7, c. 275, s. 11.

shall be guilty of a crime infamous by the laws of this State, and punished by a fine not exceeding one thousand dollars, or imprisoned at hard labor not exceeding two years, or both in the discretion of the Court.

Persons offering  
to register must  
be sworn; oath of  
electors.  
1876-'77, c. 275, s. 12.

SEC. 2681. Every person who shall present himself for registration shall state under oath how long he has continuously resided in this State and in the county in which he offers to vote; whether he is an alien or native born; when he becomes twenty-one years of age; whether married or single, and where or with whom he resides. Upon the request of any elector, the registrar shall require the applicant to prove his identity or age and residence by such testimony, under oath, as may be satisfactory to the registrar. And if an elector has previously been admitted to registration in any ward, township or precinct in the county in which he resides, he shall not be allowed to register again in another ward, precinct or township in the same county until he produces a certificate of the registrar of the former township, ward or precinct, that said elector has removed from said township, ward or precinct, and that his name has been erased from the registration books of the ward, township or precinct from which he has removed; and the identity of any person claiming a right to be registered in any precinct of the same county by virtue of such certificate, with the person therein named, shall be proved by the oath of the claimant, and, when required by the registrar, by the oath of at least one other elector. Every person found qualified shall take the following oath:

"-----, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina; that I have been a resident of the State of North Carolina for twelve months, and of the county of----- for ninety days; that I am a duly qualified elector, and that I have not registered for this election in any other precinct, and that I am an actual and *bona fide* resident of----- township (or precinct.) So help me, God."



And the registrar shall record the name, age, occupation, place of birth and place of residence of the elector, and the name of the township or county from whence the elector has removed (in the event of a removal), also the date of registration, in the appropriate column of the registration book.

SEC. 2682. No registration shall be allowed on the day of election; but if any person shall give satisfactory evidence to the judges of the election that he has become of the age of twenty-one years on the day of election, or has become twenty-one years of age after the registration books were closed, he shall be allowed to register and vote: *Provided*, he be found otherwise qualified.

No registration allowed on the day of election except in certain cases.  
1871-'2, c. 186, s. 11.  
1876-'7, c. 275, s. 13.

SEC. 2683. On the day of election any elector may, and the judges of election shall, challenge the vote of any person who may be known or suspected not to be a duly qualified voter.

When electors or judges shall challenge.  
1871-'2, c. 185, s. 12.  
1876-'7, c. 275, s. 14.

SEC. 2684. When any person is challenged, the judges shall explain to him the qualifications of an elector, and shall examine him as to his qualifications, and if the person insists that he is qualified, and shall prove his identity with the person in whose name he offers to vote, or his continued residence in the precinct since his name was placed upon the registration list, as the case may be, by the testimony, under oath, of at least one other elector, one of the judges shall tender to him the following oath:

Oath of persons challenged; when vote to be rejected; challenge to be recorded; power of judges of election.  
1871-'2, c. 185, s. 13.  
1876-'7, c. 275, s. 15.

"You do solemnly swear (or affirm) that you are a citizen of the United States, that you are twenty-one years of age, and that you have resided in the State for twelve months, and in this county for ninety days next preceding this election, and that you are not disqualified from voting by the constitution and laws of this State; that your name is (here insert the name given), and that in such name you were duly registered as a voter of this township, and that you are now an actual resident of the same and have been ever since you were so registered, and that you are the identical person you represent yourself to be, and that you have not voted in this election at this or any other polling place. So help you, God."

And if he refuses to take such oath, his vote shall be rejected; if, however, he does take the oath when tendered, his vote shall be received: *Provided*, that after such oath shall have been taken, the judges may, nevertheless, refuse to permit such person to vote if they be satisfied that he is not a legal voter; and they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of a person offering to vote. Whenever any person's vote shall be received after having taken the oath prescribed in this section, the clerks of the election shall write on the poll-books at the end of such person's name the word "sworn." The same powers as to the administration of oaths and the examination of witnesses, as in this section granted to judges of elections, may be exercised by the registrars in all cases where the names of persons registered or offering to register are objected to.

When polls to be opened and closed; manner of voting. 1871-'2, c. 185, s. 14. 1876-'7, c. 275, s. 16.

SEC. 2685. The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day, and no longer; and each voter whose name may appear registered, and who shall not be challenged and rejected, shall hand in his ballot to the judges, who shall carefully deposit the ballots in the ballot boxes.

Judges to deposit registration books with the register of deeds. 1871-'2, c. 185, s. 15.

SEC. 2686. Immediately after any election the judges of election shall deposit the registration books for their respective precincts with the register of deeds of their respective counties.

How officers shall be voted for; ballots to be on white paper and without device. 1871-'2, c. 185, s. 16.

SEC. 2687. The State officers, viz.: Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney General, shall be voted for on one ballot. The members of Congress for their respective districts shall be voted for on one ballot. The member or members of Congress for the State at large, if there be such, shall be voted for on one ballot. The Justices of the Supreme Court, Judges of the Superior Court and Solicitors shall be voted for on one ballot. The members of the General Assembly for

their respective counties and districts shall be voted for on one ballot. The county officers for the respective counties, viz.: Clerk of the Superior Court, Treasurer, Register of Deeds, Surveyor, Coroner, and Sheriff, shall be voted for on one ballot. The ballots shall be on white paper, and may be printed or written, or partly written and partly printed, and shall be without device.

SEC. 2688. The board of county commissioners, or upon their failure, the inspectors of election, shall provide for each election precinct in their respective counties ballot boxes for each class of officers to be voted for, in which to deposit the ballots for such officers respectively. Each of said boxes shall have an opening through the lid of sufficient size to admit a single folded ballot, and no more. The said ballot boxes shall be kept by the judges of election for the use of their several election precincts respectively. And said judges of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them. Each box shall be labelled in plain and distinct Roman letters, with the name of the office or offices to be voted for, and the question or questions to be voted upon. The majority of the judges of election for the county and State officers for any voting precinct, with the registrar of such precinct, may, if they think it expedient so to do, rail off, at a cost to be approved by the board of county commissioners, and to be paid for by the county, at such precinct a space or enclosure, with an opening at one end or side for the entrance of the voter, and an opening at the other side for his exit, as a polling place in which to hold the election for the State and county officers. Only one voter shall be allowed to enter such polling place at one time, and no one except the judges of election shall be allowed to speak to or interfere with the voter while in the polling place casting his vote, which shall be put into the proper box or boxes by said voter, or by the judges at the request of the voter. All voters shall pass through said enclosure without any delay of time, so

County commissioners to provide ballot boxes; description of boxes; who to keep them.

1871-'2, c. 185, s. 17.  
1876-'7, c. 275, s. 19.

that said passage shall not be obstructed by delay unnecessarily, outside of depositing his vote or votes.

A similar, but separate and distinct, space or enclosure may be railed off as a polling place for the election of members of Congress and Presidential Electors, at such distance from the polling place for State and county officers as the judges of election may designate. In the event such separate polling place shall be designated for holding the election for members of Congress and Presidential Electors as herein provided, the methods for holding the election and conducting the voting shall be the same in all respects as those provided aforesaid in this amendment to said section 2688 of The Code for the polling places for State and county officers. The registrar appointed for such precinct shall have power and authority to appoint a deputy registrar for such separate polling place, to whom shall be furnished the names of all persons qualified and entitled to vote at such precinct, and the judges of election appointed for such precinct and registrar shall appoint two suitable and discreet persons as judges or inspectors of election for such separate polling place, who shall be of different political parties, where possible. The registrar and judges so appointed for such separate polling place shall be sworn to perform their duties according to law, shall make due returns of the election, and have all the powers, privileges and authority conferred on them by law as in the case of other registrars and judges of election: *Provided, however,* that if the judges of election at any of the voting precincts in this State do not see fit to carry out the provisions of this amendment to said section 2688 of The Code,\* then, and in that event, the election at said precinct not adopting such provisions shall be conducted in all respects as is now provided by law.

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\*All the amendments to the election law made in chapter 287 Laws of 1889, are incorporated in the election law now sent out.



SEC. 2689. When the election shall be finished, the registrars and judges of election, in the presence of such of the electors as may choose to attend, shall open the boxes and count the ballots, reading aloud the names of the persons who shall appear on each ticket; and if there shall be two or more tickets rolled up together, or any ticket shall contain the names of more persons than such elector has a right to vote for, or shall have a device upon it, in either of these cases such tickets shall not be numbered in taking the ballots, but shall be void; and the said counting of votes shall be continued without adjournment until completed and the result thereof declared.

How boxes to be opened and the ballots counted; what tickets to be void.  
1871-'2, c. 185, s. 18.

SEC. 2690. The judges of election in each township, ward or precinct shall appoint one of their number or the registrar to attend the meeting of the board of county canvassers, as a member thereof, and shall deliver to the member who shall have been so appointed the original return or statement of the result of the election in such township, ward or precinct; and the members of the several township, ward or precinct boards of election, who shall have been so appointed, shall attend the meeting of the board of county canvassers for such election in the county in which they shall have been appointed as members thereof.

Delivery of the election returns.  
1876-'7, c. 275, s. 21.

SEC. 2691. The members of the several boards of election to whom the original returns or statements of the result of the election in the precincts, wards or townships to which they respectively belong, shall have been delivered as directed in the preceding section, shall constitute the board of county canvassers for such election in the county in which such precinct, ward or township shall be situated; and the register of deeds of such county shall be the clerk of such board, unless the board shall elect another person in his place.

The board of county canvassers.  
1876-'7, c. 275, s. 22.

SEC. 2692. A majority of the members of the several precinct boards of election who shall have been appointed to attend the meeting of the board of county canvassers as members thereof, shall constitute such board.

A majority to constitute a quorum.  
1876-'7, c. 275, s. 23.



The meeting of  
the board of  
canvassers.  
1876-'7, c. 275, s. 24.

SEC. 2693. The board of county canvassers shall meet on the second day next after every election at twelve o'clock, noon, of that day, at the court-house of the county, and at that hour, without delay, the members of such board who shall then be present shall choose one of their number, who shall be the chairman: *Provided*, the board of county canvassers of Dare shall meet on the seventh day after the election; the board of county canvassers of Hyde and Carteret counties shall meet on the fourth day after the election; and as soon as such chairman shall be appointed, he shall administer to each of the other members, and each of the other members shall take, an oath or affirmation in the following form: "You do swear (or affirm) that you will faithfully and impartially execute the duties of the board of canvassers according to law." And thereupon one of the members of such board, appointed for that purpose, shall administer to such chairman, and such chairman shall take, an oath or affirmation in the same form as that taken by the other members of the board. And before proceeding to canvass and estimate the votes in such county, the chairman of the board shall administer to the clerk thereof an oath or affirmation in the following form: "You do swear (or affirm) that you will faithfully execute the duties of clerk of this board according to law."

The board of  
county canvass-  
ers to open and  
canvass the re-  
turns.  
1876-'7, c. 275, s. 25.

SEC. 2694. The board of county canvassers shall, at their said meeting, in the presence of the sheriff and of such electors as choose to attend, open and canvass and judicially determine the returns, and make abstracts, stating the number of legal ballots cast in each precinct for each office, the name of each person voted for, and the number of votes given each person for each different office, and shall sign the same. Said board shall have power and authority to judicially pass upon all the facts relative to the election, and judicially determine and declare the true result of the same; and they shall also have power and authority to send for papers and persons, and examine the latter on oath.

SEC. 2695. The abstract of the votes for each of the following classes shall be made on a different sheet:

An abstract of the votes to be made. 1876-'7, c. 275, s. 26.

1. Governor and all State officers;
2. Representatives in Congress;
3. Senators and Representatives in the General Assembly;
4. Justices of the Supreme Court, Judges of the Superior Court, and Solicitors;
5. County officers.

SEC. 2696. Three abstracts of all the votes cast for any State officer, for Representatives in Congress, for Justices of the Supreme Court, for Judges of the Superior Court and for Solicitor, shall be made and signed by the chairman of the board of county canvassers, one of which shall be delivered to the sheriff of the county, one filed with the register of deeds, to be registered in his office, and one forwarded by mail in a registered letter to the Secretary of State at Raleigh. Also two separate abstracts of all the votes cast for State Senators when the senatorial district consists of more than one county, one of which shall be filed with the register of deeds, to be registered in his office, and the other furnished to the sheriff of the county or other returning officer.

Separate abstracts to be signed by the members of board and filed. 1876-'7, c. 275, s. 27.

SEC. 2697. Each abstract of the votes cast for such officers as the county alone elects shall contain an accurate statement of all the persons voted for and the number of legal votes cast for each.

Contents of the abstract of the vote for county officers. 1876-'7, c. 275, s. 28.

SEC. 2698. When the canvass is concluded, the board shall deliver the original returns to the Clerk of the Superior Court, to be filed in his office, and shall cause each of the abstracts mentioned in the two preceding sections to be recorded in a book to be called "The Election Book," to be kept in the office of said clerk. And said clerk shall also transmit by mail to the Secretary of State duplicates of the abstracts mentioned in section twenty-six hundred and ninety-six, each abstract to be sealed up in a separate envelope.

Original returns to be filed with clerk of the superior court and recorded; duplicate to be sent to Secretary of State. 1876-'7, c. 275, s. 29.

Persons having highest vote to be declared elected.  
R. S., c. 52, s. 8.  
1840, c. 27, s. 1.  
1876-7, c. 275, s. 30.

SEC. 2699. The person having the greatest number of legal votes for any office is to be declared elected. But if two or more county candidates, having the greatest number of votes, shall have an equal number, the board of commissioners of the county shall determine which shall be elected.

Result of election to be proclaimed at the court-house.  
1876-7, c. 275, s. 31.

SEC. 2700. When the board of county canvassers have thus completed the comparison of the polls, they shall determine the result of the election in their county for all persons voted for and proclaim the same at the court-house door, with the number of votes cast for each.

Returning officers of senatorial districts, when and where to meet; penalty for failing to make returns; how examined and compared.  
1891, c. 510, s. 1.

SEC. 2701. The sheriffs or other returning officers in the various senatorial districts composed of more than one county, after receiving the returns from the board of county canvassers, shall meet on the tenth day after the election, at the following places in their respective districts, for the purpose of comparing the polls: In the first district, at Hertford, in the county of Perquimans; in the second district, at Plymouth, in the county of Washington; in the third district, at Roxobel, in the county of Bertie; in the seventh district, at Nashville, in the county of Nash; in the eighth district, at New Berne, in the county of Craven; in the ninth district, at Warsaw, in the county of Duplin; in the tenth district, at Wilmington, in the county of New Hanover; in the eleventh district, at Ridgeway, in the county of Warren; in the fourteenth district, at Roseboro, in the county of Sampson; in the fifteenth district, at Lennon's Cross-roads, near Francis Lennon's, in the county of Columbus; in the seventeenth district, at Berea, in the county of Granville; in the eighteenth district, at Hillsboro, in the county of Orange; in the twenty-second district, at Brower's Mill, in the county of Randolph; in the twenty-third district, at Lilesville, in the county of Anson; in the twenty-fourth district, at Mount Pleasant, in the county of Cabarrus; in the twenty-sixth district, at Lexington, in the county of Davidson; in the twenty-seventh district, at Harmony, in the county of

Iredell; in the twenty-eighth district, at Pilot Mountain, in the county of Surry; in the twenty-ninth district, at Hickory, in the county of Catawba; in the thirtieth district, at Jefferson, in the county of Ashe; in the thirty-first district, at Marion, in the county of McDowell; in the thirty-second district, at Mooresboro, in the county of Cleveland; in the thirty-third district, at Asheville, in the county of Buncombe; in the thirty-fourth district, at Webster, in the county of Jackson; in the thirty-fifth district, at Murphy, in the county of Cherokee. If for any cause any of said sheriffs or returning officers are prevented from meeting at said places, respectively, on the aforesaid tenth day after the election, the returns of such officers shall be waited for and received if they arrive on the following day; and the returning officer failing to attend at the time and place required as aforesaid shall forfeit and pay one thousand dollars, to be recovered in the Superior Court of his county by any person who may sue for the same, and shall be guilty of a misdemeanor; but if the returns of all the counties in the district be not in by noon of the day appointed, then the returning officers shall adjourn from day to day until the returns from all the counties be received, and in the meantime shall despatch a competent person, under oath, to the county of the delinquent returning officer for a certified copy of the vote of that county, which shall be furnished by the register of deeds of said county, and when received shall be counted; and when the sheriffs shall be convened as aforesaid, the polls for the different counties shall be examined in the presence of one justice and five electors, to be summoned by the sheriff of the county where they shall meet; and a certificate, under the hands and seals of the returning sheriffs, shall be given to the candidate in each district for whom the greatest number of votes shall have been given; but if two or more candidates shall have an equal number of votes, the said officers shall determine which shall be a senator, and if no



decision shall be made by them, they shall determine the same by lot.

Certificate of election, when and how furnished.  
1871-'2, c. 185, s. 22.  
1876-'7, c. 275, s. 33.

SEC. 2702. The sheriff of each county shall furnish, within ten days, the member or members elected to the House of Representatives and to the Senate, where the district is not composed of more than one county, a certificate of election, under his hand and seal; he shall also immediately notify all persons elected to the county offices to meet at the court-house on the first Monday in the ensuing month, to be qualified.

Returns for State officers; when, by whom and how made; certificate of sheriff; to whom statement to be sent; delinquent returning officer, &c.  
1876-'7, c. 275, s. 34.

SEC. 2703. The sheriff or other returning officer of each county shall, on or before the third day after the election, transmit by mail, in a registered letter, or otherwise, to the Speaker of the House of Representatives, a separate statement of the votes taken in his county for each of the State officers, to-wit, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney General, which statement, in each case, shall be in the following or some similar form, viz.:

#### STATE OF NORTH CAROLINA,

.....County.

I, ....., sheriff of ..... county, do hereby certify that at the election held in the said county to elect a Governor (or other officers, as the case may be), for four years, from the first day of ..... next, at the places appointed by law for holding elections for said county, on the ..... day of ....., A. D., one thousand eight hundred and ....., ..... votes were given for ....., and ..... votes were given for .....

Given under my hand, this ..... day of ....., 18.....

....., Sheriff.

If said statements are transmitted by mail, they shall be directed in sealed packets to the Speaker of the House of Representatives in care of the Secretary of State, and if by messenger, they shall be sent directly to the Speaker of the House of Representatives, sealed as aforesaid: *Provided*, that no messenger bringing said statements or



any other abstracts or election returns shall receive compensation therefor. Any sheriff or other returning officer failing or neglecting to perform the duties required in this section shall forfeit and pay two thousand dollars, to be recovered in the Superior Court of his county by any person who shall sue for the same, and shall be guilty of a misdemeanor, and imprisoned at hard labor in the penitentiary for twelve months: *Provided further*, that the sheriffs of the counties of Carteret, Hyde and Dare shall have until the eleventh day after the election to comply with this section.

SEC. 2704. The Secretary of State shall cause proper forms of returns to be prepared and printed, and send copies thereof, with plain directions as to the manner of indorsing, directing and transmitting the same to the seat of government, to all the returning officers of the State, at least thirty days before the time of holding any election. He shall also furnish to the register of deeds of each county all such printed blanks as may be necessary for making the county returns.

SEC. 2705. The Speaker of the House of Representatives, in the presence of a majority of the members of both Houses of the General Assembly, shall open and publish the returns for Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney General, at twelve o'clock, noon, on the first Tuesday after the organization of both Houses of the General Assembly. And if for any cause there be no return from any county of the State, or if any return be defective, a proper return shall be had in such manner as the two Houses in joint session may direct; and in either case the publication of the result may be postponed to such time as the joint session of the two Houses may deem best. The person having the highest number of votes for each office, respectively, shall be duly declared elected thereto; but if two or more be equal and highest in votes for the same office, then one of them shall be

Secretary of State to prepare and transmit forms of returns.  
1871-'2, c. 185, s. 24.  
1876-'7, c. 275, ss. 35, 36.

Returns for State officers, how and by whom opened and published; in case of defective returns, who to be declared elected; tie votes; contested elections.  
Const., Article III, s. 3.  
1871-'2, c. 185, s. 35.  
1876-'7, c. 5.  
1876-'7, c. 275, s. 36.

chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint vote of both Houses of the General Assembly in the same manner and under the same rules and regulations as prescribed in cases of contested elections of members of the General Assembly.

An abstract of the returns to be made by the clerks and signed by the presiding officers of the General Assembly, and filed with Secretary of State. 1881, p. 623. Resolution of January 13th.

SEC. 2706. An abstract of the returns of votes for State officers shall be made by the clerks of the two Houses of the General Assembly, showing the number of ballots cast for each candidate, the names of all persons voted for, the offices for which they received such votes, and the number of votes cast for each person, and the persons ascertained by the canvass to be elected to the several offices; and said abstract shall be signed by the presiding officers of the two Houses and delivered to the Secretary of State, who shall record it in the election book kept in his office, and then file it. Said abstract shall also be printed in the journals of the two Houses and in the legislative documents.

Penalty on officers for non-performance of duty under this chapter. R. C., c. 34, s. 113. 1842, c. 29, ch. 33, s. 4. 1871-'2, c. 185, s. 29. 1876-'7, c. 275, s. 38.

SEC. 2707. Any registrar or judge of election, or any county canvasser or commissioner, register of deeds, clerk or sheriff, failing or neglecting to make the returns and perform the duties required of him, shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned not more than six nor less than two months, at the discretion of the court; and every such officer for every such offence shall forfeit and pay the sum of five hundred dollars, to be recovered in the name and to the use of the State, on motion of the Attorney General in the Superior Court of Wake County, ten days' previous notice in writing of such intended motion having been given to such officer by the Secretary of State. The proceedings thereon shall be summary, and if any matter of fact shall be in issue, the same shall be tried at the first term; and on such trial, or for any other purpose in the prosecution of such motion to judgment, the certificate of the Secretary of State, or of the Governor, as the case may be, of the

particular default on which the motion is founded, shall be received as competent *prima facie* evidence to prove the same.

SEC. 2708. If any sheriff, or returning officer whatever, shall wilfully, or of malice, neglect to perform any duty, act, matter or thing, required or directed, in the time, manner and form in which such duty, act, matter or thing is required to be performed in relation to the election and returns thereof, of the Governor, of Representatives in Congress, of Justices of the Supreme Court, of Judges of the Superior Court, of Solicitors, or of the Electors of President and Vice-President of the United States, the person so offending shall be guilty of a felony, and fined not less than one thousand nor more than five thousand dollars, and be imprisoned not less than one nor more than three years; and shall be disabled from holding any office of profit or trust under the authority of the State.

Wilful or malicious neglect of officers to perform their duties.  
R. C., c. 34, s. 114.  
1842, c. 30, s. 5.

SEC. 2709. Any person who shall, with intent to commit a fraud, register or vote at more than one box or more than one time, or who shall induce another to do so, or any person who shall illegally vote at any election, shall be guilty of an infamous crime, imprisoned not less than six nor more than twelve months, or fined not less than one hundred nor more than five hundred dollars at the discretion of the court; and any registrar of voters, or any clerk or copyist who shall make any entry or copy with intent to commit a fraud, shall be liable to the same penalty.

Penalty for fraudulent registration or voting.  
1871-'2, c. 185, s. 30.  
1876-'7, c. 275, s. 39.

SEC. 2710. Any person who shall corruptly take the oath prescribed for voters, shall be guilty of perjury, and be fined not less than five hundred dollars, nor more than one thousand dollars, and be imprisoned at hard labor in the penitentiary not less than two nor more than five years.

Penalty for corruptly taking the oath prescribed for voters.  
1871-'2, c. 185, s. 30.  
1876-'7, c. 275, s. 40.

SEC. 2711. The Secretary of State shall, at least sixty days before each election, furnish the board of county commissioners of each county with a sufficient number of

Secretary of State to furnish copies of the election law to the commissioners of each county.  
1871-'2, c. 185, s. 32.  
1876-'7, c. 275, s. 41.

copies of this chapter, as it will always read with the latest amendments incorporated with it, to supply each county canvasser, commissioner, register of deeds, sheriff, registrar of voters, and judge of election with one copy thereof.

Armed men not  
to muster on day  
of election.  
R. C., c. 52, s. 21.  
1795, c. 431.  
1876-'7, c. 275, s. 44.

SEC. 2712. No regimental, battalion or company muster shall be called or directed on election day, nor shall armed men assemble on the day of election, at any place appointed by law to hold elections for Electors of President and Vice-President of the United States, Governor, members of Congress or members of the General Assembly, under the penalty of one thousand dollars, to be recovered of any person who shall call such muster, or assemble such armed men, one-half to go to the use of the informer, and the other half to the use of the State.

Breaking up or  
staying elections.  
R. C., c. 34, s. 37.  
1793, c. 382, s. 2.

SEC. 2713. Any person who, by force and violence, shall break up or stay any election, by assaulting the officers thereof, or depriving them of the ballot-boxes, or by any other means, his aiders and abettors, shall be guilty of a misdemeanor, and imprisoned three months, and pay such fine as the court shall adjudge, not exceeding one hundred dollars.

Treating at elec-  
tions.  
R. C., c. 52, s. 23.  
1801, c. 580, s. 3.  
1876-'7, c. 275, s. 46.

SEC. 2714. Any person who shall treat with either meat or drink, on any day of election, or any day previous thereto, with an intent to influence the election, shall forfeit and pay two hundred dollars, the one-half for the use of the county, and the other to the use of the person who shall sue for the same.

Intimidation of  
voters.  
1868, c. 62, s. 4.

SEC. 2715. Any person who shall discharge from employment, withdraw patronage from, or otherwise injure, threaten, oppress, or attempt to intimidate any qualified voter of this State, because of the vote such voter may or may not have cast in any election, shall be guilty of a misdemeanor.

Bribery at elec-  
tions.  
R. C., c. 52, s. 22.  
1777, c. 116, s. 11.  
1868-'9, c. 176, s. 1.  
1876-'7, c. 275, s. 45.

SEC. 2716. Any person who shall, at any time before or after an election, either directly or indirectly, give, or promise to give, any money, property, or reward to any elector, or to any county or district, in order to be elected,



or to procure any other person to be elected a member of the General Assembly, or to any office under the laws of this State, shall forfeit and pay four hundred dollars to any person who will sue for the same, and shall be guilty of a misdemeanor; and any person who shall receive or agree to receive any such bribe shall also be guilty of a misdemeanor.

SEC. 2717. Any person who shall bet or wager any money or other thing of value upon any election held in this State shall be guilty of a misdemeanor.

Betting on elections.  
1858-'9, c. 49.

SEC. 2718. (For Senators and their mode of election, see act of Congress of the twenty-fifth of July, one thousand eight hundred and sixty-six, fourteenth Statutes at Large, chapter two hundred and forty-five, page two hundred and forty-three.)

Congressional elections.

SEC. 2719. For the purpose of selecting Representatives in the Congress of the United States, the State of North Carolina shall be divided into nine districts, as follows:

Representation in Congress; districts.

*First District* — Beaufort, Camden, Carteret, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell and Washington.

State divided into nine Congressional districts.

*Second District* — Bertie, Edgecombe, Greene, Halifax, Lenoir, Northampton, Warren, Wilson and Wayne.

*Third District* — Bladen, Cumberland, Duplin, Craven, Harnett, Jones, Moore, Onslow and Sampson.

*Fourth District* — Chatham, Franklin, Johnston, Nash, Randolph, Wake and Vance.

*Fifth District* — Alamance, Caswell, Granville, Guilford, Person, Rockingham, Stokes, Durham and Orange.

*Sixth District* — Anson, Brunswick, Columbus, Mecklenburg, New Hanover, Pender, Richmond, Robeson and Union.

*Seventh District* — Cabarrus, Davidson, Davie, Iredell, Montgomery, Rowan, Stanly, Yadkin, Lincoln and Catawba.

*Eighth District* — Alleghany, Ashe, Alexander, Burke, Caldwell, Cleveland, Gaston, Mitchell, Watauga, Wilkes, Forsyth and Surry.



*Ninth District* — Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania and Yancey.

Congressmen from the State at large, when there shall be such and how elected.

SEC. 2720. Whenever, by a new apportionment of Representatives among the several States, the number of Representatives in the Congress of the United States from North Carolina shall be either increased or decreased, and neither the Congress nor the General Assembly shall provide for the election of the same, then if the said Representatives shall be increased, the increased number shall be elected by the qualified voters of the whole State, and shall be voted for on one ballot; and the Representatives from the several Congressional districts shall be elected by the voters of the said districts respectively, and shall be each voted for on another ballot. But if the number of said Representatives shall be decreased as aforesaid, in that event all the Representatives in Congress shall be elected by the qualified voters of the whole State, and shall be voted for on one ballot.

Time and manner of conducting Congressional elections.

R. C., c. 52, s. 4.

1819, c. 100.

1830, c. 35.

1832, c. 18.

1876-'7, c. 275, s. 49.

SEC. 2721. The election for members of Congress shall be held at the same time and places as prescribed for holding elections for members of the General Assembly, on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and eighty-four, and on said day every two years thereafter, or on such days as Congress shall have prescribed, and shall be conducted by the sheriffs, or by other persons appointed therefor, in like manner as elections for members of the General Assembly.

Vacancies in representation, how filled.

R. C., c. 53, s. 5.

1777, c. 116, s. 2.

1876-'7, c. 275, s. 50.

SEC. 2722. If at any time after the expiration of any Congress, and before another election, or if at any time after an election, there shall be a vacancy in the representation in Congress, the Governor shall issue a writ of election, and by proclamation shall require the voters to meet in the different townships in their respective counties at such time as may be appointed therein, and at the places established by law, then and there to vote for a Repre-

sentative in Congress to fill the vacancy; and the election shall be conducted in like manner as regular elections.

SEC. 2723. Every person duly elected a Representative to Congress, upon obtaining a certificate of his election from the Secretary of State shall procure from the Governor a commission, certifying his appointment as a Representative of the State, which the Governor shall issue on such certificate being produced.

Representatives in Congress commissioned by the Governor.  
1871-'2, c. 185, s. 26.  
1876-'7, c. 275, s. 51.

SEC. 2724. The registrar shall receive one cent for each name copied from the original registration book, and three cents for each new name registered. Every sheriff or other returning officer, shall be allowed two dollars and fifty cents per day for the time actually employed, and ten cents per mile for distance traveled, for making the returns for Senators, and sixty cents for each notice served upon the county officers elect, and sixty cents for giving certificates to Representatives to the General Assembly and to the Senators whose district is a single county, all to be paid by the county treasurer, upon the affidavit of the returning officer. Clerks and registers of deeds shall also be allowed the usual record and registration fees for recording and making duplicates of the election returns, to be paid by the county. The Senatorial members of the board of State canvassers, while engaged in the discharge of their duties, shall receive the same *per diem* and mileage as members of the General Assembly. The said board may employ two clerks at a compensation of four dollars per day each during the sessions of the board.

Compensation of registrars, returning officers, and the members of the board of State canvassers.  
1871-'2, c. 185, s. 28.  
1876-'7, c. 275, ss. 37, 52.  
1879, c. 152, s. 8.  
1881, p. 625.  
Resolution of January 18th.

## BOARD OF STATE CANVASSERS.

SEC. 2725. The Governor, Secretary of State, Attorney General, and two members of the State Senate, one of each political party, to be selected by the Governor, shall constitute the board of State canvassers, but no member thereof shall take part in canvassing the votes for any office for which he himself is a candidate. But in every

Board of State canvassers, who shall constitute.  
1876-'7, c. 275, s. 53.

such case the other members of the board shall select some person to act in the place of such candidate.

Returns not received in time, Secretary of State shall obtain original abstract.  
1876-'7, c. 275, s. 54.

SEC. 2726. If the abstracts or returns from any county shall not be received at the office of the Secretary of State by the third Monday after the day of election, the said Secretary is authorized to obtain from the register of deeds, or clerk of the superior court of such county, at the expense of such county, the original abstracts or returns, or if they have been forwarded, copies of them.

Abstracts to be opened, when and by whom.  
1876-'7, c. 275, ss. 55, 56.

SEC. 2727. The board of State canvassers shall open the abstracts transmitted to the Secretary of State on the Thursday following the third Monday after the day of election, and examine the returns, if they shall have been received from all the counties, and if not all received, they may adjourn not exceeding twenty days for the purpose of obtaining the returns from all the counties, and when these are received shall proceed with the canvass; such canvass shall be conducted publicly in the hall of the House of Representatives. They shall make an abstract, stating the number of legal ballots cast for each candidate, the names of all the persons voted for, for what office they respectively received the votes, and the number of votes each received, and stating whom they ascertain and judicially determine by the count to be elected to the office, which abstract shall be signed by the board of canvassers, in their official capacity as State canvassers, and have the seal of the State affixed thereto: *Provided*, that in all cases of special elections ordered by the Governor to fill vacancies in the representation of the State in Congress, the board of State canvassers may meet as soon as the Secretary of State may notify the members of the board that the returns from all the counties entitled to vote in said special election have been received by him; and it shall be the duty of the Secretary of State to fix the day of meeting, which day shall not be later than ten days after such elections; and it shall be the duty of all returning officers to make their returns promptly, so that the same may be received within the ten days.

SEC. 2728. The Secretary of State shall record the abstract or abstracts in a book to be kept by him for recording the results of elections, and to be called the "Election Book," and shall also file the abstract or abstracts.

Records of the returns to be kept by the Secretary of State.  
1876-'7, c. 275, s. 57.

SEC. 2729. A certificate shall be prepared for each person elected, and signed by the Secretary of State, and shall be delivered to the person elected, when he shall demand the same.

Certificate of election, when, how and to whom furnished.  
1876-'7, c. 275, s. 58.

SEC. 2730. The board of State canvassers shall estimate the votes cast for officers of the Executive Department from the abstracts forwarded to the Secretary of State, and shall publish a statement of the result of such calculation, but this statement shall be for information of the public only, and shall not have the effect to determine what candidates have been elected to such offices. Their election shall be ascertained and declared according to section three, article three of the Constitution.

Statement of votes cast for officers of the Executive Department to be published by State canvassers.  
1876-'7, c. 275, s. 56.

SEC. 2731. Justices of the Supreme Court, Judges of the Superior Court, and Solicitors, shall be commissioned by the Governor, and their terms of office shall begin on the first day of January next succeeding their election. An election of officers whose terms shall be about to expire shall always be held at the general election next preceding the expiration of their terms of office.

Who shall be commissioned by the Governor; when term of office shall begin.  
1876-'7, c. 275, s. 60.

## MISCELLANEOUS.

SEC. 2732. Any person who shall cause or procure his name to be registered in more than one election ward or precinct, or shall cause or procure his name, or that of any other person, to be registered, knowing that he or the person whose name he has procured to be registered is not entitled to vote in the ward or election precinct wherein such registration is made, at the ensuing election to be held therein, or who shall falsely personate any registered voter, shall be guilty of a crime infamous by the laws of

Illegal registration.  
1876-'7, c. 275, s. 61.



the State, and shall be punished for every such offense by a fine not exceeding one thousand dollars, or imprisonment at hard labor for a term not exceeding two years, or both, in the discretion of the court.

Persons having been convicted of an infamous crime may be challenged and required to answer; convicted persons not allowed to vote unless restored to the rights of citizenship.  
1876-'7, c. 275, s. 62.

SEC. 2733. If any person be challenged as being convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any questions in relation to such alleged conviction; but his answer to such questions shall not be used against him in any criminal prosecution; but if any person so convicted shall vote at any election, without having been restored to the rights of citizenship, he shall be guilty of an infamous crime, and punished by a fine not exceeding one thousand dollars, or imprisoned at hard labor not exceeding two years, or both.

Powers and duties of judges of election in regard to the examination of voters.  
1876-'7, c. 275, s. 6.

SEC. 2734. The judges of election shall in no case receive the vote of any person unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and for the purpose of satisfying themselves as to the right of any person who shall claim a right to vote, they shall have power to examine such person, and any other person or persons, under oath or affirmation, touching such right. And if any judge of election shall receive, or assent to receive, the vote of any person challenged, without requiring such person to take the oath or affirmation hereinbefore prescribed, and if such person shall not be qualified and entitled to vote, such judge of election so receiving, or assenting to receive, such vote shall be deemed to have received the same knowing it to be illegal.

Powers of the judges of election, and the various boards of canvassers.  
1876-'7, c. 275, s. 64.

SEC. 2735. The judges and inspectors of election in each ward or precinct, the board of county canvassers of each county, and the board of State canvassers shall respectively possess full power and authority to maintain order, and to enforce obedience to their lawful commands during their sessions, respectively, and shall be constituted inferior courts for that purpose; and if any person shall refuse to obey the lawful command of any such judge or inspector of election, or board of county canvassers, or board of State



canvassers, or by disorderly conduct in their hearing or presence, shall interrupt or disturb their proceedings, they may, by an order in writing, signed by their chairman, and attested by their clerk, commit the person so offending to the common jail of the county for a period of not exceeding thirty days, and such order shall be executed by any sheriff or constable to whom the same shall be delivered, or, if a sheriff or constable shall not be present, or shall refuse to act, by any other person who shall be deputed by such township or precinct board of election, or board of county canvassers, or board of State canvassers, in writing, and the keeper of such jail shall receive the person so committed, and safely keep him for such time as shall be mentioned in the commitment.

SEC. 2736. Whenever any vacancies shall exist by reason of death, resignation or otherwise, in any of the following offices, to-wit, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Solicitor, Justices of the Supreme Court, and Judges of the Superior Court, the same shall be filled by elections, to be held in the manner and places, and under the same regulations and rules, as prescribed for general elections, at the next regular election for members of the General Assembly which shall occur more than thirty days after such vacancy, except as otherwise provided for in the Constitution.

Official vacancies,  
how filled.  
1876-'7, c. 275, s. 65.

SEC. 2737. When a vacancy occurs in the General Assembly by death, resignation or otherwise, it shall be the duty of the sheriff of the county in which the late member resided, provided the General Assembly shall not be in session, to notify the Governor of such vacancy, and in case the General Assembly shall be in session when such vacancy occurs, it shall be the duty of the presiding officer of the House in which the vacancy occurs, to notify the Governor of the same, who shall thereupon issue a writ of election to the sheriff or sheriffs of the district or county represented by the late member, said election to be held

How vacancies in  
the General As-  
sembly to be filled.  
1868, c. 23, s. 1.  
1876-'7, c. 275, s. 42.

at such time as the Governor may designate, and in such manner as may be prescribed by law.

Elections ordered by the Governor shall be conducted as other elections.

R. C., c. 52, s. 17.

1777, c. 116, s. 8.

1876-'7, c. 275, s. 43.

SEC. 2738. Every election held in pursuance of a writ from the Governor, shall be conducted in like manner as the regular biennial elections, so far as the particular case can be governed by the general rules, and shall, to all intents and purposes, be as legal and valid, and subject the officers holding and persons elected, to the same penalties and liabilities as if the same had been held at the time, and according to the rules and regulations prescribed for the regular biennial elections.

Qualifications of voters in municipal elections.

1876-'7, c. 275, s. 66.

SEC. 2739. All qualified electors who shall have resided for ninety days immediately preceding an election within the limits of any ward of a city or town, and not otherwise, shall have the right to vote in such ward for mayor and other city or town officers.

Intoxicating liquors not to be given away or sold on day of election.

1868, c. 28, ss. 1, 2.

SEC. 2740. Any person who shall give away or sell any intoxicating liquors, except for medical purposes and upon the prescription of a practicing physician, at any place within five miles of the polling place, at any time within twelve hours next preceding or succeeding any public election, whether general, local or municipal, or during the holding thereof, shall be guilty of a misdemeanor, and fined not less than one hundred nor more than one thousand dollars.

On what day elections shall be held.

1876-'7, c. 275, s. 77.

SEC. 2741. Unless otherwise provided by law, all general elections shall be held on the Tuesday next after the first Monday in November of the year in which there shall be an election.

## ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

When election to be held.

1876-'7, c. 275, s. 67.

SEC. 2742. On the Tuesday next after the first Monday in the month of November, in the year of our Lord one thousand eight hundred and eighty-four, and every four years thereafter, or on such days as the Congress of the

United States shall have directed, a poll shall be opened in each of the precincts of the State for the election of Electors of President and Vice-President of the United States, the number of whom is to be equal to the number of Senators and Representatives in Congress to which this State may be entitled, and the persons so chosen shall be Electors for the State as aforesaid.

SEC. 2743. The names of the Electors to be chosen shall be written or printed on each ballot, and each ballot shall contain the name of at least one inhabitant of each Congressional district into which the State may be divided, and against the name of each person shall be designated the number of the Congressional district to which he belongs.

Names of electors to be on each ballot; how electors allotted.  
1868, c. 45, s. 3.  
1876-'7, c. 275, s. 68.

SEC. 2744. The election shall be conducted, and the returns made, as nearly as may be, as directed in relation to the election of State officers, except as herein otherwise expressed.

Election to be as in case of State officers.  
1868, c. 45, s. 3.  
1876-'7, c. 275, s. 69.

SEC. 2745. The county canvassers shall meet in the court-house of their respective counties as hereinbefore provided, and shall ascertain and determine, by faithful addition, the number of legal votes for every person who shall have been voted for as an Elector within the county, and shall certify the same under their hands, in the manner and form following, to-wit:

Meeting of county canvassers, their duties; sheriffs to send certificate of election to Secretary of State.  
1876-'7, c. 275, s. 70.

"We, the county canvassers for ..... county, do hereby certify that an election was held on the day and at the places fixed by law within said county, for Electors of President and Vice-President of the United States, and that the number of votes hereinafter specified, opposite the names of the several persons following, was given for such persons as Electors for the State of North Carolina, of President and Vice-President of the United States, namely, D. G. F. (here state the number of votes for D. G. F.) For J. M. L. (here state the number of votes for J. M. L., and so until the list of persons voted for and the number of votes shall be completed). Given under our hands, this.....day of ..... A. D....."

And three fair copies of such certificate and return shall be made by the board of county canvassers, under their hands, and one of the same shall be immediately delivered to the sheriff of the county, whose duty it shall be to attend at the meetings of said canvassers, and who shall forthwith make proclamation and read the same through at the court-house door; and the said sheriff shall immediately thereafter seal up said copy in an envelope, and transmit the same by mail in a registered letter, or otherwise, to the Secretary of State, at the capitol at Raleigh, so that he shall receive the same within twelve days after the day of said election; and one of said copies, together with the original precinct returns, shall be delivered to the clerk of the Superior Court, who shall record the said copy in the "Election Book," and file the originals of said copy in his office. And one copy shall be delivered to the register of deeds to be registered in his office. The clerk of the Superior Court shall, immediately after the same shall have been delivered to him, send a copy of the certificate of the board of county canvassers, sealed with the seal of his office, to the Secretary of State at Raleigh, so that he may receive the same within twelve days after said election. And in case of failing to make such returns within the time herein prescribed, such sheriff, clerk or other officer whose duty it shall be so to do, shall forfeit and pay to the State the sum of five hundred dollars, to be recovered by the Attorney General, in the Superior Court for the county of Wake.

Secretary of State  
to deliver returns  
to board of State  
canvassers; duty  
of the board;  
organization of  
the electors.  
1876-'7, c. 275, s. 71.

SEC. 2746. The Secretary of State, within three days after the expiration of the time hereinbefore provided for the delivery to him of said certificates and returns, shall deliver the same to the board of State canvassers, whose duty it shall be to then attend, in the presence of such other persons as may choose to be present, in the hall of the House of Representatives, in the capitol, open the certificates and returns and proceed to canvass the same and ascertain and determine the result: *Provided*, that if



the return from any county shall not, by that time, have been received by the Secretary of State from the sheriff or clerk of the Superior Court, then the board of State canvassers shall order and compel a duplicate return from the clerk of the Superior Court, or register of deeds, or both, in such manner as they may think best, and for the purpose may adjourn from day to day not to exceed ten days. The board of State canvassers in canvassing said returns shall merely add up the returns, as certified by the county canvassers, but it shall be their duty to disregard any such apparent clerical error, or any such technical informality as may not render it reasonably uncertain who was the person intended to be designated as voted for, and what was the number of votes actually received by any candidate. At the conclusion of the canvass, the board shall make an abstract of all the votes cast, and shall deliver the same to the Secretary of State, together with the original returns from the several counties, to be filed in his office. The Secretary of State shall copy said abstracts in the "Election Book," directed in this chapter to be kept in his office, and shall, under his hand and the seal of his office, certify to the Governor the names of as many persons receiving the highest number of votes for Electors of President and Vice-President as the State may be entitled to in the Electoral College. The Governor shall thereupon immediately issue his proclamation and cause the same to be published in such daily newspapers as may be published in the city of Raleigh, wherein he shall set forth the names of the persons duly elected as Electors, and warn each of them to attend at the capitol in the city of Raleigh, at noon on the Tuesday preceding the first Wednesday of December next after his election, at which time said Electors shall meet, and in case of the absence or ineligibility of any Elector chosen, or if the proper number of Electors shall for any cause be deficient, those present shall forthwith elect from the citizens of the State so many persons as will supply the deficiency, and

the persons so chosen shall be Electors to vote for President and Vice-President of the United States. And the Governor shall, on or before the first Wednesday in December, make out three lists of the names of the said eleven persons so elected and appointed Electors, and cause the same to be delivered to them, as directed by the act of Congress.

College of Electors to proceed in conformity to the Constitution and laws of the United States.  
1876-'7, c. 275, s. 72.

SEC. 2747. The persons elected and appointed as Electors of President and Vice-President of the United States shall assemble on the said first Wednesday in December at the capitol in the city of Raleigh, and then and there give their votes on behalf of the State of North Carolina for President and Vice-President of the United States, and proceed in relation thereto in all things conformably to the Constitution of the United States and the act of Congress in that behalf.

Vacancies in offices of President and Vice-President; Governor to order another election for Electors.  
1876-'7, c. 275, s. 73.

SEC. 2748. Whenever the offices of President and Vice-President of the United States shall both become vacant, the Governor, upon receiving a notification of such vacancy from the Secretary of State of the United States, shall forthwith issue his proclamation directing the sheriffs of the several counties, or other proper officers, to hold elections within their respective counties for the appointment of Electors of President and Vice-President of the United States on the days of the year in which such vacancy may happen, as is herein prescribed for holding the regular and stated elections: *Provided*, that there shall be a space of two months between the date of such notification and the said first Wednesday of December; but if there should not be such space, the Governor shall specify in his proclamation that the Electors shall be elected in the year next ensuing the date of such notification on the day aforesaid; and the Electors appointed in the manner by this section directed, shall meet at the capitol, in the city of Raleigh, and proceed as hereinbefore provided for Electors of President and Vice-President chosen at a regular election for the same.

SEC. 2749. Each Elector chosen, with his own consent previously signified, failing to attend and vote for a President and Vice-President of the United States, at the time and place herein directed (except in case of sickness or other unavoidable accident), shall forfeit and pay to the State five hundred dollars, to be recovered by the Attorney General in the Superior Court of Wake County. And any person making, or certifying, or delivering, or transmitting a false return of an election held hereunder, or making any erasure or alteration in the poll-books, shall be guilty of an infamous crime, and imprisoned not less than one year, and shall, in addition, forfeit and pay five hundred dollars, one-half to the use of the person who will sue for the same, and the other half to the use of the State. Any officer who shall refuse to permit any candidate, or person qualified to vote, at his own expense, to have a copy of the poll-books, shall forfeit and pay two hundred dollars, one-half to the person who shall sue for the same, and the other half to the use of the State. Any register of deeds or clerk of the Superior Court who shall refuse to make and give to any person a duly certified copy of the returns of an election, or of a tabulated statement of an election hereinbefore directed to be deposited in his office, upon the tender of the fees therefor, shall be guilty of a misdemeanor, and upon conviction, ousted of his office, and imprisoned for one year.

SEC. 2750. The Electors shall be allowed, for their traveling expenses to and from the city of Raleigh, and their attendance, the same compensation as may be allowed members of the General Assembly, and shall be entitled to the same privileges.

Electors failing to attend; officers making false returns; refusal by register of deeds or clerk of the Superior Court to furnish certified copies of the returns; penalties. 1876-'7, c. 275, s. 74.

Compensation and privileges of Electors. 1876-'7, c. 275, s. 75.

